

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re

CUSTOMS AND TAX ADMINISTRATION OF  
THE KINGDOM OF DENMARK  
(SKATTEFORVALTNINGEN) TAX REFUND  
SCHEME LITIGATION

This document relates to: 19-cv-01785, 19-cv-01867, 19-cv-01893, 19-cv-01781, 19-cv-01783, 19-cv-01866, 19-cv-01895, 19-cv-01794, 19-cv-01865, 19-cv-01904, 19-cv-01798, 19-cv-01869, 19-cv-01922, 19-cv-01800, 19-cv-01788, 19-cv-01870, 19-cv-01791, 19-cv-01792, 19-cv-01928, 19-cv-01926, 19-cv-01868, 19-cv-01929, 19-cv-01803, 19-cv-01806, 19-cv-01906, 19-cv-01801, 19-cv-01894, 19-cv-01808, 19-cv-01810, 19-cv-01809, 19-cv-01911, 19-cv-01898, 19-cv-01812, 19-cv-01896, 19-cv-01871, 19-cv-01813, 19-cv-01930, 19-cv-01815, 19-cv-01818, 19-cv-01931, 19-cv-01918, 19-cv-01873, 19-cv-01924

MASTER DOCKET

18-md-2865 (LAK)

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #: \_\_\_\_\_  
DATE FILED: JUL 12 2019

**STIPULATION AND [PROPOSED] ORDER EXTENDING  
BRIEFING SCHEDULE FOR THE MOTION TO DISMISS**

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned parties that the briefing schedule for the Motion to Dismiss filed on June 12, 2019 (D.I. 134) (the “Motion”) is modified as follows:

1. Plaintiff Skatteforvaltningen’s current July 12, 2019 deadline to submit a response to the Motion is hereby extended seven (7) days up to and including July 19, 2019.
2. Defendants’<sup>1</sup> deadline to submit a reply in further support of their Motion is hereby extended by 21 days up to and including August 19, 2019.

1. The Motion was filed by the Defendants represented by Wilmer Cutler Pickering Hale and Dorr LLP on June 12, 2019. The Defendants represented by Kostelanetz & Fink LLP, Kaplan Rice LLP, and Dewey Pegno & Kramarsky LLP all joined the Motion by separate Notices of Joinder filed that same day. (D.I. 141, 143 & 144.)

This is the parties' second request to modify the briefing schedule for the Motion.

Dated: New York, New York  
July 11, 2019

By: /s/ Alan E. Schoenfeld  
(*e-signed with consent*)  
Alan E. Schoenfeld  
WILMER CUTLER PICKERING HALE AND  
DORR LLP  
7 World Trade Center  
250 Greenwich Street  
New York, NY 10007  
Telephone: (212) 230-8800  
alan.schoenfeld@wilmerhale.com

*Counsel for Defendants Richard Markowitz,  
Jocelyn Markowitz, Avanix Management  
LLC Roth 401(K) Plan, Batavia Capital  
Pension Plan, Calypso Investments Pension  
Plan, Cavus Systems LLC Roth 401(K)  
Plan, Hadron Industries LLC Roth 401(K)  
Plan, RJM Capital Pension Plan, and Routt  
Capital Pension Plan*

By: /s/ Nicholas S. Bahnsen  
(*e-signed with consent*)  
Nicholas S. Bahnsen  
KOSTELANETZ & FINK LLP  
7 World Trade Center  
New York, NY 10007  
Telephone: (212) 840-5830  
nbahnsen@kflaw.com

*Counsel for Defendants John van  
Merkensteijn, III, Elizabeth van  
Merkensteijn, Azalea Pension Plan, Basalt  
Ventures LLC Roth 401(K) Plan, Bernina  
Pension Plan, Omineca Pension Plan,  
Starfish Capital Management LLC Roth  
401(K) Plan, Tarvos Pension Plan, Voojo  
Productions LLC Roth 401(K) Plan,  
Michelle Investments Pension Plan, Remece  
Investments Pension Plan, and Xiphias LLC  
Pension Plan*

By: /s/ Sarah L. Cave  
Sarah L. Cave  
HUGHES HUBBARD & REED LLP  
One Battery Park Plaza  
New York, NY 10004  
Telephone: (212) 837-6000  
Fax: (212) 422-4726  
sarah.cave@hugheshubbard.com

*Counsel for Plaintiff Skatteforvaltningen  
(Customs and Tax Administration of the  
Kingdom of Denmark)*

By: /s/ Michelle A. Rice

*(e-signed with consent)*

Michelle A. Rice

KAPLAN RICE LLP

127 West 57th Street

Suite 4A

New York, NY 10019

Telephone: (212) 333-0227

mrice@kaplanrice.com

*Counsel for Defendants Joseph Herman,  
David Zelman, Edwin Miller, Ronald  
Altbach, Perry Lerner, Robin Jones, Albedo  
Management LLC Roth 401(K) Plan,  
Ballast Ventures LLC Roth 401(K) Plan,  
Fairlie Investments LLC Roth 401(K) Plan,  
Bareroot Capital Investments LLC Roth  
401(K) Plan, Battu Holdings LLC Roth  
401K Plan, Cantata Industries LLC Roth  
401(K) Plan, Dicot Technologies LLC Roth  
401(K) Plan, Vanderlee Technologies  
Pension Plan, Cedar Hill Capital  
Investments LLC Roth 401(K) Plan,  
Fulcrum Productions LLC Roth 401(K)  
Plan, Green Scale Management LLC Roth  
401(K) Plan, Keystone Technologies LLC  
Roth 401(K) Plan, Tumba Systems LLC  
Roth 401(K) Plan, Crucible Ventures LLC  
Roth 401(K) Plan, Limelight Global  
Productions LLC Roth 401(K) Plan,  
Plumrose Industries LLC Roth 401K Plan,  
Roadcraft Technologies LLC Roth 401(K)  
Plan, True Wind Investments LLC Roth  
401(K) Plan, Eclogue Industry LLC Roth  
401(K) Plan, First Ascent Worldwide LLC  
Roth 401(K) Plan, Loggerhead Services  
LLC Roth 401(K) Plan, PAB Facilities  
Global LLC Roth 401(K) Plan, Trailing  
Edge Productions LLC Roth 401(K) Plan,  
Monomer Industries LLC Roth 401(K) Plan,  
Pinax Holdings LLC Roth 401(K) Plan, and  
Sternway Logistics LLC Roth 401(K) Plan*

By: /s/ Thomas E.L. Dewey

*(e-signed with consent)*

Thomas E.L. Dewey

DEWEY PEGNO & KRAMARSKY LLP

777 Third Avenue – 37th Floor

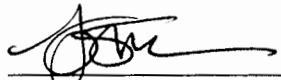
New York, NY 10017

Telephone: (212) 943-9000

tdewey@dpklaw.com

*Counsel for Defendant Michael Ben-Jacob*

SO ORDERED:



~~Hon. Laura T. Swain~~

United States District Judge

Hon. Laura T. Swain,  
U.S.D.J. – Part I

Dated: 7/12/2019